

7 TO
THE HONOURABLE

1508/1246.
X
COL. WILLIAM FULLARTON OF FULLARTON,

AS
PRESENT CHANCELLOR, OR PROVOST,

OF
THE ANCIENT BURGH OF BARONY OF PRESTWEIK,
IN AIRSHIRE

(WHICH HOLDS OF THE PRINCE OF WALES, AS PRINCE AND STEW-
ARD OF SCOTLAND)

JAMES HUNTER, }
JOHN WHARY, } present Baillies;
JOHN BOYD, TREASURER,

AND

THE REST OF THE THIRTY-SIX REAL FREEMEN,
BURGESSES THEREOF,

THE FOLLOWING COPY

OF THE CHARTER,

GRANTED BY KING JAMES THE SIXTH OF SCOTLAND
AND FIRST OF ENGLAND, ANNO 1600,

TAKEN FROM THE ORIGINAL MS.

WITH THE SUBSTANTIAL PARTS OF THE CONSE-
QUENT PRECEPT AND SEISIN, AND THE
TRANSLATION THEREOF

AT THEIR REQUEST,

ARE,

WITH ALL RESPECT INSCRIBED,

BY

ONE OF THEIR OWN NUMBER,
PRESENT TOWN-CLERK OF THE BURGH,
AND THEIR MOST HUMBLE SERVANT,

AIR, }
20 June, 1794. }

ROBERT MILLER.



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CARTA

PREPOSITI

BALLIVORUM CONSULUM
BURGENSM. * ET LI-
BERORUM BURGI DE
PRESTWEIK.

(a) **J**ACOBUS Dei gratia
Rex Scotorum OMNI-
BUS probis hominibus totius
terre sue clericis et laicis salu-
tem SCIATIS QUIA
nos tanquam pater legitimusq. ad-
ministrato tutor et gubernator
charissimi nri. filii Henrici Ducis
Rothefay Comitis de Kyle Carrik
et Cunynghame Dni. Insularum
ac Principis et Senescalli Scotie
Nec non nos pro nro. proprio jure
titulo et interesse ad Burgum et
Terras subtus mentionat perfecte
intelligentes quod nri. nobilissimi
Progenitores bone memorie ab
antiquo ultra hominum memoriam
per spatium Sex Centorum et sep-
tem decem Annorum elapsi pro
diversis bonis considerationibus
villam et burgum de Prestweik
jacen infra balliatum de Kyle
Stewart in unum liberum Burgum
Baronie cum omnibus privilegiis
et immunitatibus unius liberi bur-
gi erexerunt et creaverunt ac liberis
burgenfibus et inhabitatoribus
ejusdem burgi eorumq. heredibus
et successoribus diversas et singulas
terras tam in proprietate quam
comunitate. cum ipis. eorumq.
successoribus pro perpetuo reman-
suris concesserunt et disposuerunt

CHARTER

IN FAVOUR OF

THE PROVOST, BAILLIES,
COUNCILLORS, BUR-
GESSES AND FREEMEN
OF THE BURGH OF
PRESTWEIK.

JAMES, by the grace of God,
King of the Scots, to all honest
men of his whole realm, clergy
and laity, greeting, KNOW
YE, because We, as Father, and
lawful administrator, tutor and
governor of our most dear Son
Henry, Duke of Rothefay, Earl of
Kyle, Carrick, and Cuninghame,
Lord of the Isles, and Prince and
Steward of Scotland; as also, We,
for our proper right, title and
interest to the Burgh and Lands
under-mentioned, perfectly under-
standing, that our most noble
progenitors, of good memory, of
old, beyond the memory of man,
by the space of six hundred and
seventeen years elapsed, for divers
good considerations, did erect and
create the Town and Burgh of
Prestweik, lying within the Baili-
ary of Kyle Stewart, into one free
Burgh of Barony, with all privi-
leges and immunities of one free
Burgh; and did grant and dispo-
ne to the Freemen, Burgeses and In-
habitants of that Burgh, and
to their Heirs and Successors,
divers and sundry Lands, as
well in property as in communi-
ty, which should remain with
them and their Successors for ever.

* As the Translator has thought proper to make this a literal transcript from the original Charter, he has not introduced any punctuation; nor has he extended any of the abbreviations, but noted them with periods, and shewn how he understood them, by a table at the end.

Quequidem terre sepissime inter ipos. eorumq. vicinos perambulate fuerint Ac rectas metas et divisas eorundem notorie cognite Ac etiam ballivi de Kyle Stewart per erectionem dicti burghi de Prestweik tenentur curias balliatus et baronie de Kyle Stewart infra predictum burgum tenere Et q. omnes inhabitatores infra predictum baroniam de Kyle Stewart de jure et consuetudine tenentur venalia eorum bona presentare apud crucem et forum dicti burghi de Prestweik et ibidem solvere suas customas et apud dictum burgum suas capere mensuras ponda sua et cetera pondibus et mensuris debita et consueta. Et qd. omnes burgenfes et inhabitantes in predicto burgo tenentur per suam comissionem. replegiari a quocunq. Judice aut juris ministro fuerint arrestati seu attechati ad libertatem dicti burghi Et ad suas proprias curias Et ibidem subire Judicia et non alibi. (b) ET NOS experientia dicti boni fidelis et gratuiti servitii nobis nrisq. predecessoribus per burgenfes et inhabitatores predicti burghi de Prestweik eorumq. predecessores prestiti et impenfi ac ut ipis. eorumq. successoribus meliorem occasionem in eisdem Imposterum continuan prebeamus (c) IDEO ac pro diversis aliis magnis respectibus et bonis considerationibus nos moven. Ratificavimus approbavimus ac pro nobis et successoribus nris. pro perpetuo confirmavimus Tenoreq. pntis. carte nre. Approbamus ratificamus Ac pro nobis et

Which Lands have been very often perambulated between themselves and their Neighbours, and the right meiths and marches thereof are notourly known. As also, the Baillies of Kyle Stewart, by the erection of the said Burgh of Prestweik, are bound to hold the courts of the Bailliary and Barony of Kyle Stewart within the foresaid Burgh. And all the Inhabitants within the foresaid Barony of Kyle Stewart, of Right and Custom, are bound to present their saleable Goods at the Cross and Market of the said Burgh of Prestweik, and there to pay their Customs; and at the said Burgh to take their measures, pound-weights, and others in weights and measures, used and wont. And that they are bound by their commission, to repledge all the Burgesfes and Inhabitants in the foresaid Burgh, who shall be arrested or attached, from whatever Judge or Minister of the Law, to the liberty of said Burgh, and to their own proper Courts, and there to suffer Judgement, and not elsewhere. AND WE, from the experience of the said good, faithful and gratuitous service performed and spent for us and our Predecessors by the Burgesfes and Inhabitants of the foresaid Burgh of Prestweik and their Predecessors; and that we may give to them and their Successors better occasion of continuing therein hereafter, T H E R E F O R E, and for divers other great respects and good considerations us moving, we have ratified, approved, and for us and our Successors for ever confirmed, and by the tenor of our present charter, we approve, ratify, and for us and



successoribus nris. pro perpetuo confirmamus Omnes et singulas antiquas cartas infeofamenta erectiones instrumenta donationes titula licentias et privilegia quecunq. per nos nrosq. nobilissimos progenitores prefato burgo de Prestweik burgenfibus et inhabitatoribus ejusdem eorumq. predecessores et successoribus facti. et concessi. Cum omnibus terris Tam in proprietate quam in comunitate. Annuis redditibus privilegiis et Immunitatibus in eisdem specificat et omnibus eorundem contentis. De quibuscunq. datis seu data suis quas tanquam pro expressi. in hac pnti. carta nra. habent. volumus (d) PRETEREA nos ex certa scientia et proprio motu DE NO. O fecimus constituimus creavimus ereximus et incorporavimus Tenoreq. pntis. carte nre. pro nobis et successoribus nris. facimus constituimus creamus eregimus et incorporamus Totam et integram predictam villam et burgum de Prestweik Cum omnibus et singulis terris Domibus edificiis tenementis hortis acris vastis toftis croftis ac aliis jacent. infra rudas burgales et territorium ejusdem Unacum omnibus aliis et singulis terris Tam in proprietate quam coitate. ad hmoi. spectant. IN Unum liberum burgum baronie burgum de Prestweik omni tempore affuturo nupand. Et similiter De Novo Dedimus concessimus assignavimus disposuimus et incorporavimus Tenoreq. pntis. carte nre. pro nobis et successoribus nris. Damus concedimus assignamus disponimus et incorporamus prefato burgo ac liberis burgenfibus inhabitatoribus ejusdem eorumq. successoribus in proprietate et hereditate omnes

our Successors for ever confirm all and fundry ancient charters, infestments, erections, instruments, donations, titles, licences and privileges whatever, made and granted by us and our most noble progenitors to the said Burgh of Prestweik, Burgeses and Inhabitants thereof, and their Predecessors and Successors; with all Lands, as well in property as in community, annualrents, privileges, and immunities specified therein, and all contents thereof, of whatever dates or date, which we will shall be held as if expressed in this our present charter. MOREOVER, we, from certain knowledge and proper motive, have, OF NEW, made, constituted, created, erected and incorporated, and by the tenor of our present charter, for us and our Successors, make, constitute, create, erect and incorporate, all and whole the foresaid Town and Burgh of Prestweik; with all and fundry lands, houses, buildings, tenements, yards, acres, wastes, tofts, crofts, and others, lying within the Burrow-Roods and territory thereof; together with all other and fundry lands, as well in property as community respecting the same, into one free Burgh of Barony, to be called the Burgh of Prestweik in all time coming. And in like manner we, of new, have given, granted, assigned, disposed, and incorporated, and, by the tenor of our present charter, for us and our Successors, give, grant, assign, dispose, and incorporate to the foresaid Burgh and Freeman, Burgeses, Inhabitants thereof, and their Successors, in property and heritage, all and singular, the

et singulas predictas terras domos
 edeficia tenementa hortos acras
 vastas toftas croftas ac alias ja-
 cen. infra predict. rudas burgales et
 territorium ejusdem unacum eis-
 dem rudis burgalibus lie in feild
 et outfeild landis ac etiam
 cum omnibus et singulis aliis
 terris et possessionibus tam pro-
 prietate quam comunitate, pro-
 cul et prope partibus pendiculis
 et pertinen. earundem ad hmoi.
 spectan. seu iuste spectare valen.
 cum omnibus coitatibus. pastura-
 giis libero introitu et exitu ac cum
 omnibus et singulis privilegiis
 Immunitatibus et libertatibus in
 quibus burgenfes et inhabitatores
 dicti burgi eorumve predecessores
 In usu consuetudine seu possessione
 ullo tpre. preterito Diem Date
 pntis. carte nre. preceden. fuerunt
 infra quascunq. bondas limites et
 metas ubicunq. jacent. (e) Ac spe-
 cialiter revocamus cassamus et an-
 nullamus omnes et quascunq. pre-
 tensas cartas infeofamenta fasin as ac
 alias donationes et dispositiones quas-
 cunq. per nos cuicumq. persone vel
 quibuscunq. personis factas et con-
 cessas de predictis terris in propri-
 etate seu comunitate. seu de aliqua
 earundem parte per prius ad pre-
 dictum burgum de Prestweik bur-
 genfes et inhabitatores ejusdem et
 ad libertatem dicti burgi spectan.
 et pertinen. ullo tpre. preterito
 Diem date pntis. carte nre. prece-
 den. Ac Declaramus et pro no-
 bis nrisq. successoribus Decernimus
 et ordinamus Quod nullius erunt
 efficacie seu valoris in Judicio seu
 extra Judicium ullo tempore fu-
 turo Nec non pro nobis et
 successoribus nris. Damus et con-
 cedimus liberam ptatem. prefatis
 burgenfibus et liberis dicti burgi

foresaid lands, houses, buildings,
 tenements, yards, acres, wastes,
 tofts, crofts and others lying with-
 in the foresaid Burrow-Roods and
 territory thereof; together with
 these Burrow-Roods, viz. infield
 and outfield lands; and also with
 all and singular other lands and
 possessions, as well in property as
 community, far and near, the
 parts, pendicles and pertinents
 thereof respecting, or that can
 justly belong to the same, with all
 communities, pasturages, free en-
 try and issue; and with all and
 sundry privileges, immunities and
 liberties, in which the Burgesfes
 and Inhabitants of the said Burgh,
 or their Predecessors, were in the
 use, custom or possession, any time
 bypast, preceding the day of the
 date of our charter, within what-
 ever bounds, limits and meiths,
 wherever lying. And especially we
 revoke, cass and annull all and
 whatever pretended charters, in-
 festments, seifins, and other do-
 nations and dispositions which
 were made and granted by us to
 every person, or whatever persons,
 of the foresaid lands, in property
 or community, or of any part of
 the same, formerly respecting and
 belonging to the foresaid Burgh
 of Prestweik, Burgesfes and Inha-
 bitants thereof; and to the liberty
 of the said Burgh in any time past,
 preceding the day of the date of
 our present charter; and we de-
 clare, and for us and our Successors
 decern and ordain that they shall
 be of no effect or value in judge-
 ment, or out of judgement, in any
 time coming. As also, for us and
 our Successors, we give and grant
 full power to the foresaid Bur-
 gesfes and Freemen of said Burgh,

eorumq. successoribus pro reductione et annullatione. predict. pretenforum infeofamentorum fasinarum ac aliarum dispositionu. in eorum propriis nominibus aut per assistantiam nri. advocati coram quocunq. Iudice seu quibuscunq. Iudicibus competentibus prout de Jure congruit vocari et prosequi (f) CUM SPECIALI etiam et plena ptate. burgenfibus et liberis dicti burgi eorumq. successoribus prepositum balivos Thesaurarm. consules burgenfes decanos artium ac alia membra quecunq. necessaria et officiales infra dictum burgum pro ejusdem regimine et gubernatione faciendi eligendi constituendi et creandi et eisdem anuatim. mutandi seu retinendi omni seu omnes prout ipis. videbitur expediens. (g) Cum ptate. etiam burgenfibus et liberis dicti burgi eorumq. successoribus ad lie pak et peill ac omnes mercantias et stapule bona vulgo staple gudes vendendi et emendi ac infra predictum burgum et libertatem ejusdem emendi et vendendi Unm. et eorum panim. laneum et linen. latum et strictum Ac omnes alias mercantias et stapule bona (h) Ac etiam cum ptate. prefatis preposito et balliis et consulibus dicti burgi eorumq. (successoribus habendi admittendi retinendi et recipiendi infra predictum burgum pistores brasatores laniatores piscium venditores sartores alutarios textores scissores fabros carpentarios ac omnes alios artifices necessarios ad liberi burgi libertatem spectan. et pertinen. (i) Ac edificandi tenendi et habendi infra predictum burgum pretorium ac

and their Successors, to call and prosecute for reduction and annulling the foresaid pretended infeftments, seifins and other dispositions, in their own names, or by the assistance of our advocate, before whatever judge or judges competent, as accords of law. WITH SPECIAL and full power, also, to the Burgesfes and Freemen of the said Burgh, and their Successors, of making, electing, constituting, and creating a Provost, Baillies, Treasurer, Councillors, Burgesfes, Deacons of Trades, and other Members whatever necessary, and Officers within the said Burgh, for the regulation and Government thereof; and of changing or retaining any or all of those yearly, as to themselves shall appear expedient: with power, also, to the Burgesfes and Freemen of the said Burgh, and their Successors, about viz. Pak and Peill; and of selling and buying all merchandizes, and staple goods commonly so called; and within the foresaid Burgh and liberty thereof, of buying and selling his, hers or their bread, flesh and linen, brought and exposed; and all other merchandizes and staple goods. As also, with power to the foresaid Provost, and Baillies, and Councillors of the said Burgh, and their Successors, of having, admitting, retaining and receiving within the foresaid Burgh, bakers, brasiers, butchers, tanners, sellers of fish, tailors, weavers, carvers and other workers in wood, and all other artificers necessary, respecting and belonging to the liberty of a free burgh. And of building, holding and having within the foresaid

crucem foralem et forum hepdomadatim die martis (*k*) Una cum unolibero nudino semel in anno superdiem sancti Nicolai ac per spatium (*l*) duorum dierum continen. (*m*) Actheloma vulgo lie thoillis et parvas custumas dicti burgi foralium et nundinarum ejusdem adcoe. bonum dicti burgi intromittendi levandi importandi colligendi et applicandi (*n*) **INSUPER** cum ptate. prefatis preposito et ballivis dicti burgi eorumq. successoribus Resignationes omn. et singularum terrarum tenementorum annuorum reddituum hortorum tostarum crostarum ac aliarum jacen. infra predictum burgum et libertatem ejusdem recipiendi ac easdem cuicunq. persone seu quibuscunq. personis ad hmoi. jus et titulum haben. deliberandi et disponendi cum omnibus infeofamentis cartis fasinis ac aliis evidentiis necessariis recipiendi intrandi ac in eisdem fasinandi heredes defunctorum tam per brevia (*o*) quam per lie hesp et staple terre et lapidis seu per quemcumq. alium ordinem infra burgos nri. regni observatum (*p*) Curias burgales infra predictum burgum et libertatem ejusdem statuendi affigendi inchoandi affirmandi tenendi et quoties opus fuerit continuandi ac clericos serjandes adjudicatores officarios ac omnia alia curie membrane necessaria creandi transgressores puniendi secundum leges nri. regni Exitus amerciamenta bludwitas et eschaetas dictarum curiarum levandi recipiendi et ad suos proprios usus applicandi Et pro eisdem si opus fuerit namandi et distringendi ad ea leges et statuta

Burgh, a Court-Hall, and Market Crois, and Weekly Market on Tuesday; together with one Fair once in the year, upon St. Nicholas' day, and continuing for the space of two days. And of intromitting with, levying, bringing in, collecting and applying the common toll duties, viz. the tolls and small customs of the said burgh, at the markets and fairs thereof, for the common good of the said Burgh. **MOREOVER**, with power to the foresaid Provost and Baillies of the said Burgh, and their Successors, of receiving resignations of all and sundry lands, tenements, annualrents, yards, tofts, crofts, and others lying within the foresaid Burgh and liberty thereof; and of delivering and disposing the same to such person or persons having Right and Title thereto, with all infeftments, charters, seifins and other evidents necessary; receiving, entering and seifin therein, heirs of, defuncts, as well by brieves as by the hesp and staple, of earth and stone, or by whatever other order observed within the Burghs of our kingdom. Of stating, affixing, beginning, affirming, holding, and, as often as there shall be need, of continuing Burgh courts within the foresaid Burgh and liberty thereof; and of creating clerks, serjeants, adjudgers, officers and all other necessary members of court; Of punishing transgressors according to the laws of our kingdom; and of levying, receiving, and to their own proper uses applying the issues, amercements, bloodwits, and escheats of the said courts; and of poinding and distraining, if need

infra predictum burgum et libertatem ejusdem pro observatione boni ordinis faciendi et ordinandi. Ac omnes transgressores attachiandi arrestandi incarcerandi puniendi secundum leges regni nri. Et gñaliter. omnia alia et singula facien geren. et uten. Similimodo et adeo libere in omnibus respectibus sicuti aliquis alius liber burgus infra regnum nrum. (q) TENEN. ET HABEN. Totum et integrum predictum burgum de Prestweik cum omnibus et singulis terris domibus edificiis tenementis hortis acris vastis tenementis tofts croftis ac aliis jacen. infra dict. rúdas burgales et territorium ejusdem Una cum eisdem rudis burgalibus lie in feild et outfeild Landis Necnon cum omnibus et singulis aliis terris et possessionibus Tam in proprietate quam in coitate. procul et prope pendiculis et pertinentiis ejusdem spectan. seu ad hmoi. burgum iuste spectare valen. Cum omnibus coibus. pasturis libero introitu et exitu Ac cum omnibus et singulis privilegiis immunitatibus et libertatibus in quibus burgenses et inhabitatores dicti burgi eorumve predecessores in usu consuetudine seu possessione ullo tpre. preterito diem date pntis. carte nre. preceden. fuerunt infra quascunq. bondas limites et metas ubicunq. jacent prefatis preposito ballivis consulibus burgenfibus et liberis dicti burgi eorumq. successoribus de prefato HENRICO principe et senescallo Scotie suisq. successoribus principibus et senescallis Scotie in feudifirma hereditate et libero burgagio baronie imperpetuum prout jacent in longitudine

shall be, for the same; and of making and ordaining acts, laws and statutes for the observation of good order within the foresaid burgh and liberty thereof; and of attaching, arresting, imprisoning and punishing all transgressors, according to the laws of our kingdom. And generally, of making, carrying and using all other and sundry things, in like manner and as freely, in all respects, as any other free Burgh within our kingdom. HAVING and HOLDING, all and whole, the foresaid Burgh of Prestweik, with all and sundry lands, houses, buildings, tenements, yards, acres, waste tenements, tofts, crofts and others lying within the said Burrow-Roods, and Territory thereof; together with these Burrow-Roods, lie, in-field and outfield lands; as also, with all and sundry other lands and possessions, as well in property as in community, far and near, pendicles and pertinents thereof; with all common pastures, free entry and issue; and with all and sundry privileges, immunities and liberties, in which the Burgeses and Inhabitants of the said Burgh, or their Predecessors, have been in the use, custom and possession of, any time past, preceding the day of the date of our present Charter, within whatever bounds, limits and meiths wherever they lie, to the foresaid Provost, Baillies, councillors, Burgeses and Freemen of the said Burgh, and their Successors, of the foresaid HENRY, Prince and Steward of Scotland, and his Successors, Princes and Stewards of Scotland, in Feu-farm, heritage, and free Burgage of Barony, for ever, as they lie in length and

et latitudine in domibus edificiis
 hostis planis moris merrefiis viis
 semitis aquis stagnis rivolis pratis
 pascuis et pasturis molendinis mul-
 turis et eorum sequelis aucupatio-
 nibus venationibus piscationibus
 petariis turbariis carbonibus car-
 bonariis cuniculis cuniculariis co-
 lumbis columbariis fabrilibus bra-
 finis brueriis et genestis silvis ne-
 moribus et virgultis lignis lapici-
 diis lapide et calce Cum curiis
 et eorum exitibus herezeldis blud-
 wittis et mulierum merchetis *
 Cum coi. pastura libero introitu et
 exitu Ac cum omnibus aliis et
 singulis libertatibuscomoditatibus.
 proficuis asiamenis ac iustis suis
 pertinen. quibuscunq. Tam non
 noiatis. quam noiatis. Tam sub-
 tus terra quam supra terram pro-
 cul et prope ad predictum burgum
 terras domos edificia tenementa
 hortos acras vasta tenementa tosta
 crosta aliaque particulariter et
 gnaliter. rexive. supra scripta cum
 suis pertinen. spectan. seu iuste
 spectare valen. quomodolibet in fu-
 turum libere quiete plenarie inte-
 gre honorifice bene et in pace absq.
 ulla revocatione contradictione im-
 pedimento aut obstaculo quocunq.
 (r) REDDENDO inde anuatim.
 dict. prepositus ballivi consules
 burgenses et liberi dicti burgi eo-
 rumq. successores prefato princi-
 pi et senescallo Scotie suisq. suc-
 cessoribus principibus et senescal-
 lis Scotie Summam Trium. De-
 narium usualis monete regni
 nri pro qualibet burgali ruda
 predict. terrarum ad Feltum Pen-

breadth, in houses, buildings,
 bothies plains, moors, marshes,
 roads, paths, waters, pools, rivu-
 lets, meadows, pastures and pastu-
 rages; milns, multures and sequels
 thereof; hawkings, huntings, fish-
 ings, peats, turfs, coals, coal-
 heughs, conies, cony-gairs, doves,
 dove-cots, smithies, breweries and
 heather, woods, groves and bushes;
 timber, stone-quarries, stone and
 lime; with courts and their is-
 sues, herezelds, bloodwits and
 married Women's Merks; and
 with common pasture, free entry
 and issue. And with all other
 and sundry liberties, commodities,
 profits, easements, and their just
 pertinents whatever; as well un-
 named as named; as well under
 ground as above it; far and near;
 relating, or that can justly belong to
 the said Burgh, lands, houses,
 buildings, tenements, yards, acres,
 waste tenements, tofts, crofts
 and others, particularly and gene-
 rally, respectively above written;
 with their pertinents whatsoever
 way in future, freely, quietly, whol-
 ly, honourably, well and in peace,
 without any revocation, contra-
 diction, impediment or obstacle
 whatever. R E N D E R I N G,
 therefore, yearly, the said Pro-
 vost, Baillies, Councillors, Bur-
 gesses and Freemen of the said
 Burgh, and their Successors, to the
 foresaid Prince and Steward of
 Scotland, and his Successors Prin-
 ces and Stewards of Scotland, the
 sum of three pennies, of usual mo-
 ney of our kingdom, for every Bur-
 row-Rood of the foresaid lands,

* Antiqua Redemptio Virginitatis; for which explanation the Translator acknowledges himself obliged to Major Allan Macdonald of Knock, an eminent Antiquarian.

thecostes unacum servitio unius
burgibaronie tantum. (s) IN CU-
JUS REI TESTIMONIUM huic
pnti. Carte nre. Magnum Sigillum
nrm. apponi precepimus TESTI-
BUS Predilectis nris. consanguineis
et consiliariis Johanne Marchione
de Hamiltoun Comite Ar-
raniſ Dno. Straven. &c. Johanne
Comite de Montrois Dno. Gra-
ham Cancellario nro. Georgio
Marescalli Comite Dno. Keith &c.
Regni nri. Mariscallo Dilectis nris.
familiaribus consiliariis Dnis. Ja-
cobo Elphinstoun de Barntoun
nro. Secretario Ricardo Cokburne
juniore de Clerkingtoun nri. secre-
ti sigilli custode militibus Magro.
Johanne Skene nrorum. rotulorum
regis. ac consilii clerico Dno. Jo-
hanne Cokburne de Ormestoun
milite nre. Justiciarie clerico et
Magro. Willelmo Scott de Grange-
mure nre. cancellarie Directore
Apud Halyrudhous decimo nono
die mensis Junii Anno Dni. Mille-
simo et sexcentesimo Et Regni nri.
Anno Trigesimo tertio

Indorsements.

*Written to the Great Seal the xxviii
of June, 1600.*

BOYLE.

Sealed ultimo Junii 1600.

at the term of Whitsunday, toge-
ther with the service of one Burgh
of Barony only. In testimony
whereof, we have ordered our
Great Seal to be affixed to this our
present charter, before these wit-
nesses, Our very well beloved
Cousins and Councillors, John,
Marquis of Hamilton, Earl
of Arran, Lord Straven, &c.
John, Earl of Montrose, Lord
Graham, our Chancellor, George,
Earl Marshall, Lord Keith, &c.
Marshall of our kingdom; our
beloved familiar Councillors Sir
James Elphinstoun of Barntoun;
our Secretary, Richard Cok-
burn, younger of Clerkingtoun,
keeper of our Privy Seal, Knights,
Mr. John Skene, Registrator of
our Rolls and clerk of our Coun-
cil, Sir John Cokburne of Ormes-
toun, Knight, Clerk of our Justi-
ciary, and Mr. William Scott of
Grangemure, Director of our chan-
cery, at Holyrood house, the nine-
teenth day of the month of June, in
the year of our Lord One thousand
and Six Hundred, and of our
reign the thirty-third year.

COPY

OF THE

SUBSTANCE OF THE PRECEPT,

LEAVING OUT WHAT IS TRANSCRIBED IN IT
FROM THE CHARTER.

JACOBUS Dei gratia Rex
Scotorum Ballivo nro. de
Kyle Stewart et deputatis suis
necnon dilectis nris. &c.

Et eorum cuilibet conjunctim et
divisim ballivis nris. de Kyle
Stewart in hde. parte Salutem
Quia nos tanquam pater legi-
timusq. administrator, &c. [*Hic
transcripta est carta antea copiat
fere verbatim usque ad clausam
vocat Tenen. et haben.*] Prout in
dicta carta nra. desuper confect
latius continetur. VOBIS preci-
pimus et mandamus qtas. prefatis
preposito ballivis consulibus bur-
gensibus et liberis dicti burgi vel
suis certis actornatis latoribus
pntium. sasina. Totius et integri
predicti burgi de Prestweik cum
omnibus et singulis terris domibus
edificiis tenementis hortis acris
vastis tenementis tofts crofts ac
aliis jacen. infra dict. rudas bur-
gales et territoriu. ejusd. Unacu.
eisdem rudis burgalibus lie infield
et outfield landis Necnon cum om-

JAMES, by the grace of God,
king of the Scots, To our
Baillie of Kyle Stewart and his
Deputes, also to our beloved, &c.

and each of them, conjunctly and se-
verally, our baillies of Kyle Stew-
art in that part, Greeting: Be-
cause We, as father and lawful
administrator, &c. [*Here the Char-
ter, before copied, is transcribed, al-
most word for word, down to the
clause called the Tenendas, that be-
gins with Tenen et Haben, page 9.*]
As in our said Charter, made up
as above, more amply, is contain-
ed; WE command and charge
you, so far as, That to the fore-
said Provost, Baillies, Councillors,
Burgeesses and Freemen of the said
Burgh, or to their certain Attor-
neys, bearers of these presents, ye,
justly and without delay, make
seisin to be given of all and whole
the foresaid burgh of Prestweik,
with all and singular lands, houses,
buildings, tenements, yards, acres,
waste tenements, tofts, crofts, and
others, lying within the said Bur-
row-Roods, and territory thereof,
together with these Burrow-
Roods, viz Infield and outfield

nibus et singulis aliis terris et possessionibus tam proprietate qua. in coitate. procul et prope pendiculis et pertinentiis ejusd. spectan. seu ad hmoi. burgum juste spectare valen. Cu. ombus. coibus pasturis libero introitu et exitu. Ac cum oibus. et singulis privilegiis Immunitatibus et libertatibus in quibus burghenses et inhabitatores dti. burghi eorumve predecessores in usu consuetudine seu possessione ullo tpro. preterito diem date ptium. preceden. fuerunt infra quascunq. bondas limitas et metas ubicunq. jacent. Secundu. forma. et tenorem antedte carte nre. qua de nobis inde habent Juste haberi faciatis Et sine Dilatione Et hoc nullo modo omittatis Ad q. faciendu. vobis et vrm. cuilibet conjunctim et divisim ballivis nris. de Kyle Stewart et Deputatis suis in hac parte comittimus ptatem. Datum sub Testimonio nri Magni Sigilli Apud Halvudhous Decimo nono die mensis Junii Anno Dni. Millefimo Sexcentesimo Et Regni nri. Anno Tricesimo tertio.

lands; as well as with all and sundry other lands and possessions, as well property as in community, far and near, pendicles, and pertinents of the same, belonging, or that can justly belong to the said Burgh; with all common pasturages, free entry and issue; and with all and sundry privileges, immunities, and liberties, in which the burghesses and inhabitants of the said Burgh, or their predecessors, have been in use, custom or possession at any time by past, preceding the day of the date of these presents, within whatever bounds, limits and marches where ever they lie, according to the form and tenor of our foresaid Charter, which they therefore have of us. And this ye must on no account omit. To the doing which we commit power to you and each of you, jointly and severally, our Baillies of Kyle Stewart, and their deputies in that part. Given under the testimony of our Great Seal at Holyrood house, the nineteenth day of the month of June, in the year of our Lord One thousand six hundred, and of our Reign the thirtieth and third year.

NOTE OF THE SEISIN,

TAKEN

FROM THE ORIGINAL INSTRUMENT OF SEISIN.



ANNO incarnationis Domini millesimo sexcentesimo Regni D. N. Regis Jacobi Sexti illustrissimi anno tricesimo tertio mensis vero Julii septimo Joannes Michell et Joannes Neill Ballivi burghi de Prestweik comparen. et habentes in suis manibus dictum preceptum Alex. Hunter in Monk-town tanquam ballivus de Kyle Stewart, in hoc parte statum fassina. hereditaria pariterq. ponem. actualem corporal et realem Totius et integri predicti burghi de Prestweik

the year of our Lord's incarnation, one thousand six hundred, and of the reign of our Sovereign Lord, the most illustrious King James the Sixth, the thirty-third year, and on the seventh day of the month of July, John Michell and John Neill, Baillies of the Burgh of Prestweik, appearing and having in their hands the said precept, Alexander Hunter, in Monkton, as Baillie of Kyle Stewart, in that part, Gave and Delivered heritable state and seisin, and in like manner actual, corporal and real possession of, all and whole, the foresaid Burgh of Prestweik, &c.

Memoratis Joanni Michell et Joanni Neill ballivis dicti burghi ipsorum. et pro ceteris consulis burgensibus et liberis dicti burghi per tre. et lapidis fundi earund. trarum. traditione ut moris est contulit et deliberavit in perpetuum Secundum forma. et tenore. antedict carte et predicti precepti.

To the before-named John Michell and John Neill, Baillies of the said Burgh, in name of themselves, and for the other Councillors, Burgeses and Freemen of the said Burgh, by delivery of earth and stone of the ground of the said lands, as use is, for ever, according to the form and tenor of the Charter before related, and of the foresaid precept.

ACTA erant hac apud crucem forale dicti burghi de Prestweik super fundum predictaru. terraru. hora undecima ante meridie aut ea circa patibus ibid. Alex. Osburne Willielmo Doak in Drunley Willielmo Joanne Smith in Sandmiln Willielmo Smith suo filio et Joanne Blair in Monktonhall testibus.

THESE things were done at the market cross of the said Burgh of Prestweik, upon the ground of the foresaid lands, at eleven o'clock, before noon, or thereabout, where were present, as Witnesses, Alexander Osburne, William Doak, William John Smith in Sandmiln, William Smith, his son, and John Blair in Monkton hall.

GULLIELMUS RENKINE, N. P.

WILLIAM RENKINE, N. P.

Abbreviations in the Original M S S. understood thus, and so translated.

legitimusq. legitimusque, and so with any other of such termination,
viz. *q.* for que

nri. nostri, which often occurs, also, elsewhere

Dni. Domini. this also occurs frequently

nro. nostro

ipsis. ipsis, this also frequently

ipso. ipso

q. quod

ponda. perhaps means pondera

pondibus. ponderibus

urisq. nostrisque

pentis. presentis

nre. nostræ

coitate. communitate, this happens often

hmoi. as does this

coitatibus. communitatibus

tpre. tempore

ptatem. potestatem

ptate. potestate

coe. commune

omn. omnium

gnaliter. generaliter, elsewhere, also

nrm. nostrum

coibus. communibus

coi. communi

noiatis. nominatis

rexive. respective

Magro. Magistro

frequently afterwards

N. B. The vowel e is always used instead of the diphthong æ.

Si quid novisti rectius istis

Candibus imperti; si non his utere mecum.

HORATIS.

AT AIR: PRINTED BY }
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